

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

MERRIMACK MUTUAL FIRE
INSURANCE COMPANY, a/s/o JOHN
McDONOUGH,
Plaintiff

v.

APPLICA CONSUMER PRODUCTS,
INC.,
Defendant

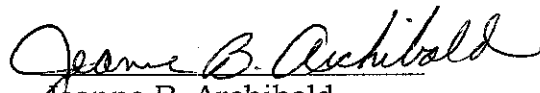
CIVIL ACTION NO.
04CV10091-MLW

CERTIFICATION BY THE PLAINTIFF, MERRIMACK MUTUAL FIRE INSURANCE
COMPANY, PURSUANT TO L.R. 16.1(D)(3)

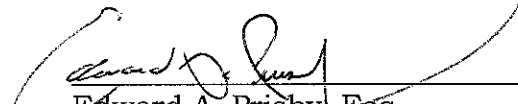
The plaintiff, Merrimack Mutual Fire Insurance Company, and its
counsel hereby certify to this court that the plaintiff and its counsel have
conferred:

- (a) with a view to establishing a budget for the costs of conducting the
full course, and the various alternative courses, of the litigation; and
- (b) to consider the resolution of litigation through the use of
alternative dispute resolution programs such as those outlines in L.R. 16.4.

Respectfully submitted,
Merrimack Mutual Fire
Insurance Company


Jeanne B. Archibald
Subrogation Division
Merrimack Mutual
Fire Insurance Company
95 Old River Road
Andover, MA 01810
(978) 475-3300

Respectfully submitted,
Attorneys for Merrimack Mutual
Fire Insurance Company


Edward A. Prisby, Esq.
(BBO 655217)
Clark, Hunt & Embry
55 Cambridge Parkway
Cambridge, MA 02142
(617) 494-1920